



Express Mail No. EV 456 919 912 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Wilfried CLAUSS	Confirmation No.:	9807
Serial No.:	10/631,900	Art Unit:	2881
Filed:	August 1, 2003	Examiner:	Phillip Johnston
For:	PARTICLE-OPTICAL APPARATUS AND METHOD FOR OPERATING THE SAME	Atty. Docket No. (New):	861840-999010

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicant gratefully acknowledges the allowance of the above-captioned application and respectfully submit the following comments in connection with the Examiner's Statement of Reasons for Allowance.

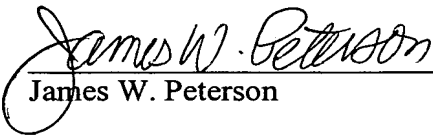
The Statement of Reasons for Allowance refers to certain language as a basis of patentability and, in doing so, refers to independent claims 1, 10, 14, 16, 22 and 29 in group fashion without acknowledging the differing subject matter recited in those claims. For example, the Statement of Reasons for Allowance refers to the numerical limitation  $c < 3 \cdot 10^{-5} \text{ K}^{-1}$ . While claims 1, 14 and 22 recite this limitation, claims 10, 16 and 29 do not. Claims 10, 16 and 29 recite instead that  $c < 3 \cdot 10^{-4} \text{ K}^{-1}$ . Also, the Statement of Reasons for Allowance refers to the limitation wherein the operating temperature is substantially at a temperature at which the temperature dependency has the extremum. While claim 10, 16 and 29 recite this limitation, claims 1, 14 and 22 do not. It appears that the treatment of claims 1, 10, 14, 16, 22 and 29 in group fashion in the Statement of Reasons for Allowance without acknowledging the differing subject matter recited in those claims is merely an oversight. Should the Office have a different view, it is respectfully requested that the Office notify the Applicant of the same.

The Applicant expressly seeks to avoid any inference or implied acquiescence which could arise in view of the Examiner's Statement of Reasons for Allowance, and respectfully

submits that the Examiner's deviations from the claim language should not be a basis for limiting the scope of the claims beyond their literal scope and equivalents thereof.

Respectfully submitted,

Date: May 25, 2005

  
James W. Peterson

26,057

(Reg. No.)

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